

## Lewis Brisbois Bisgaard & Smith, LLP

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### *Mediations & Arbitrations*

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NO. 22-CCV-070378

RICHARD P. JONES,  
MICHAEL JOSEPH BITGOOD  
A/K/A/ "Michael Easton", and  
LEWIS, BRISBOIS, BISGAARD &  
SMITH LLP

*Plaintiffs*

VS.

KARINA MARTINEZ,  
MARIANNA SULLIVAN,  
IMPERIAL LOFTS, LLC,  
IMPERIAL LOFTS OWNER LLC  
DAVID OUBRE,  
LEWIS, BRISBOIS, BISGAARD &  
SMITH LLP, a California Foreign LLP

*Defendants*

IN THE COUNTY COURT

AT LAW NO. THREE (3) OF

FORT BEND COUNTY, TEXAS

PLAINTIFF'S "SOFT" OBJECTIONS/MOTION TO STRIKE  
DEFENDANT'S  
"ORIGINAL" ANSWER FILED ON 9/21/2022

TO THE HONORABLE JUDGE OF SAID COURT:

**EXHIBIT 10**

1. Defendants' Imperial Lofts LLC, Imperial Lofts owner LLC, Karina Martinez, and, Madam Marianna Sullivan, all purported to file an "original" answer replete with affirmative defenses on September 21<sup>st</sup> 2022.

2. Because the law does not allow an answer, or any other pleading to be filed over the judicial actions taken in this case, namely, the striking of all the defendant's pleadings,<sup>1</sup> Plaintiffs lodge this "soft" objection to that filing, and move to strike the so- called "original" answer .<sup>2</sup>

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1

Defendants' presently sit in default status by operation of law. Although the court interliniated the sentence pronouncing the default at the request of David Oubre, Oubre lodged no other objections to the order the Court signed on September 13<sup>th</sup> 2022. This was folly on Oubre's part, in that any skilled lawyer knew, or should have known, that the striking of all the pleadings results in an automatic default by operation of law. Oubre's concern on September 13<sup>th</sup> 2022 was not in protecting his clients; his only concern was in protecting himself and his law-firm, as evidenced by their bizarre and "bi-polar" attempt to take up an appeal to the referring court of the same actions they asked the Court to take, and of the same orders that they approved.

2

Defendants now have extremely competent counsel in this case in the person of Will Moye, from the law-firm of Thompson Coe, and have shed the gross incompetence of David Oubre, and the California Foreign LLP, that the Court rightfully ejected from this case. That being said, the filing by Moye is a smart strategic move, that if left unchallenged, will result in waiver. Thus, a "soft" objection is made so that no waiver takes place, albeit the Court is not asked to take action on it at this time.

Respectfully submitted,

/s/Michael Joseph Bitgood  
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Richmond, Texas 77406  
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/s/ Susan C. Norman  
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[SueNorman@SueNormanLaw.com](mailto:SueNorman@SueNormanLaw.com)  
Counsel for Richard P. Jones &  
Lewis Brisbois Bisgaard & Smith  
LLP, a Texas Domestic LLP.

### CERTIFICATE OF SERVICE

On this the 22<sup>nd</sup> day of September, 2022, I certify that I served a true and correct copy of this instrument on all named parties via the Texas e-file system.

**/s/ Michael Easton**

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: RichardPJones

Name	BarNumber	Email	TimestampSubmitted	Status
Susan CNorman		SueNorman@SueNormanLaw.com	9/22/2022 7:43:09 AM	SENT

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EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: MichaelJosephBitgood

Name	BarNumber	Email	TimestampSubmitted	Status
Brad Beers		Brad@Beers.Law	9/22/2022 7:43:09 AM	SENT
Michael Easton		EastProLaw@msn.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Susan Norman	15083020	SueNorman@SueNormanLaw.com	9/22/2022 7:43:09 AM	SENT
Kathy Truong		Kathy.Truong@lewisbrisbois.com	9/22/2022 7:43:09 AM	SENT
David Oubre		David.Oubre@lewisbrisbois.com	9/22/2022 7:43:09 AM	SENT
Paul Fingersh		P.Fingersh@nolanred.com	9/22/2022 7:43:09 AM	ERROR
Jana Lubert		Jana.Lubert@lewisbrisbois.com	9/22/2022 7:43:09 AM	SENT
Alan Magenheimer		Alan@MagenheimerLaw.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Karina Martinez

Name	BarNumber	Email	TimestampSubmitted	Status
William Moyer		wmoyer.service@thompsoncoe.com	9/22/2022 7:43:09 AM	SENT
Samantha De Hoyos		sdehoyos@thompsoncoe.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Imperial Lofts LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Karina Martinez		ImperialAsst@nolanred.com	9/22/2022 7:43:09 AM	SENT
Marianna Sullivan		imperialgm@nolanRed.com	9/22/2022 7:43:09 AM	SENT
William Moye		wmoye@ThompsonCoe.com	9/22/2022 7:43:09 AM	SENT



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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Marianna Sullivan

Name	BarNumber	Email	TimestampSubmitted	Status
Marianna Sullivan		M.Sullivan@NolanRed.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Michael Easton

Name	BarNumber	Email	TimestampSubmitted	Status
Brad BBeers		BBeers@BeersLaw.net	9/22/2022 7:43:09 AM	SENT
Richard PJones		DickeyJones365@gmail.com	9/22/2022 7:43:09 AM	SENT
John FHealey		JHealeyDA@aol.com	9/22/2022 7:43:09 AM	SENT
Holly GailCrampton		Holly@HollyCramptonLaw.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Status as of 9/22/2022 8:48 AM CST

Associated Case Party: David Oubre

Name	BarNumber	Email	TimestampSubmitted	Status
Bennett Fisher		Bennett.Fisher@LewisBrisbois.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Imperial Lofts Owner, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
William RMoye		WMoye@ThompsonCoe.com	9/22/2022 7:43:09 AM	SENT

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

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Associated Case Party: Lewis Brisbois Bisgaard & Smith, LLP, a California Foreign Entity

Name	BarNumber	Email	TimestampSubmitted	Status
Bennett Fisher		Bennett.Fisher@lewisbrisbois.com	9/22/2022 7:43:09 AM	SENT
SEAN O'Neal Braun		sean.braun@lewisbrisbois.com	9/22/2022 7:43:09 AM	SENT
Bill Helfand		bill.helfand@lewisbrisbois.com	9/22/2022 7:43:09 AM	SENT
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